

APPEAL NO. 030658
FILED APRIL 29, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 11, 2003. The hearing officer determined that the respondent (claimant) had disability from January 8 through December 19, 2002. Appellant (carrier) appeals, arguing that because Texas is a community property state and because the claimant worked for her husband for no wages, the claimant is benefiting the marital community by advancing the husband's business and, therefore, she is employed. The claimant did not respond.

DECISION

Affirmed.

The hearing officer found that, due to her compensable injury, the claimant was unable to obtain and retain employment at her preinjury wage from January 8 through December 19, 2002. The carrier offers no authority for and we find no merit in the novel argument that by working for her husband for no wages, the claimant is benefiting the marital community property by advancing the husband's business and, therefore, is employed. The hearing officer did not err in finding that the claimant had disability during the stated period. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge